

IN REGULAR SESSION
TUESDAY, DECEMBER 14, 1993

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING December 14, 1993,
IN Regular SESSION. PRESIDENT Mark E. GiaQuinta
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS VIZ:

BRADBURY	EDMONDS	GIAQUINTA
HENRY	LONG	LUNSEY
RAVINE	SCHMIDT	TALARICO

ABSENT: _____

COUNCILMEMBER: _____

THE MINUTES OF THE LAST REGULAR November 23, 1993,
_____, 19____,
SPECIAL _____, 19_____.

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

December 2, 1993

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-93-10-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
24th day of November 1993.

Council action on this
recommendation must take
place prior to:
February 22, 1994.

Robert Hutner
Secretary

/pb

CC: File

An Equal Opportunity Employer
One Main Street, Fort Wayne, Indiana 46802

FACT SHEET

Z-93-10-09

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

APPROVAL DEADLINE**REASON**

From M-2 & B-2-D to M-2

DETAILS**Specific Location and/or Address**

407 W Coliseum Bl

Reason for ProjectRedevelopment of the combined site
by Klopfenstein Furniture.**Discussion (Including relationship to other Council actions)**15 November 1993 - Public Hearing

(See Attached Mintues of Meeting)

22 November 1993 - Business MeetingMotion was made and seconded to return
the ordinance to the Common Council with
a DO PASS recommendation.Of the seven (7) members present, six (6)
voted in favor of the motion, one (1) did
not vote. Motion carried.**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**Applicant(s)
Mark David Jones

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS**(For Council
use only)☐ Pass ☐ Other☐ Pass (as
amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date September 15, 1993

Projected Completion or Occupancy

Date November 24, 1993

Fact Sheet Prepared by

Date November 24, 1993

Patricia Biancaniello

Date November 29, 1993

Reviewed by

Reference or Case Number

b. Bill No. Z-93-10-09 - Change of Zone #550
407 W Coliseum Blvd
(Just west of the Olive Garden Restaurant on Coliseum Blvd.)

Mark David Jones, 6201 Acres Road, Ottawa Lake, Michigan, architect for Mr. Klopfenstein his client, appeared before the Commission. He stated that Mr. Klopfenstein has purchase the property at 407 W Coliseum Blvd., and he has also purchased the contiguous property which is the former Penn Central Railroad right-of-way which is between Olive Garden and the old Schuler's Appliance Store. He stated that he has consolidated the two properties and he wishes to construct a furniture store. He wishes to construct a building of approximately 25,000 square feet by tearing down the old Schuler Appliance Store and building onto the old right of way of the railroad. He stated that in their investigations they discovered that 40 feet of the railroad right of way was zoned B-2-D zoning. He stated that the rest of the property is zoned M-2. He stated that the purpose of their request is to consolidate the zoning into an M2 zoning so that they have a uniformity of zoning across the property and they can go ahead and design to one set of specific standards.

Mel Smith questioned if they were familiar with the staff conditions with regard to this request.

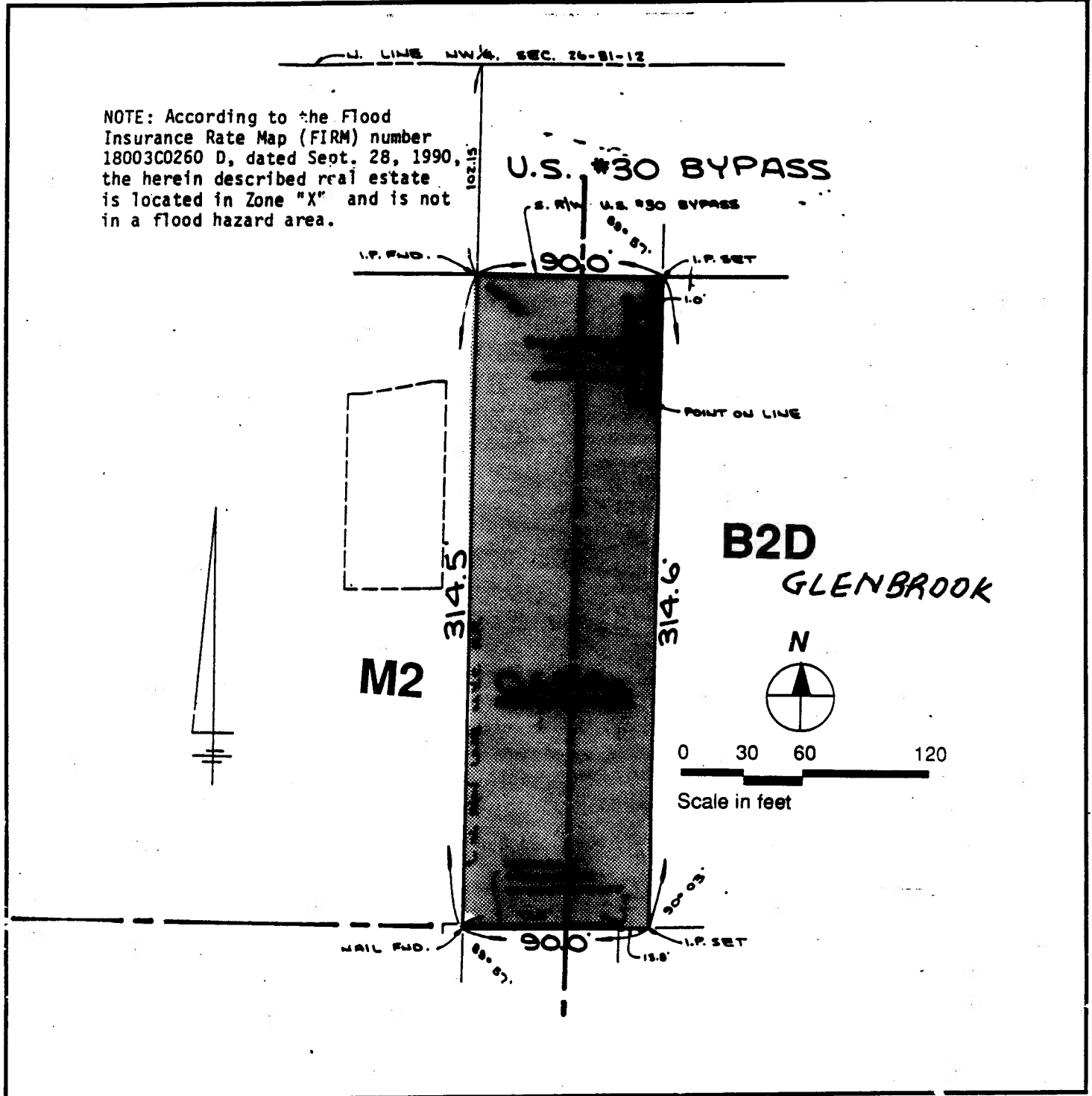
He stated that the Landscape Department recommend that they conform to business landscaping, he stated that they wish to conform to M-2 landscaping requirements. He stated that per the rendering they will have nice landscaping. He stated that the site is pretty tight, but they do not see any other problems with the conditions.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

REZONING PETITION

AREA MAP

CASE NO. #550



COUNCILMANIC DISTRICT NO. 3

Map No. L-26
LW 9-21-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 12, 1993 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-93-10-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 15, 1993.

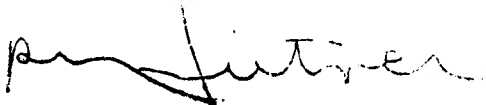
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 22, 1993.

Certified and signed this
24th day of November 1993.



Robert Hutner
Secretary

Mark David Jones, agent for Loren Klopenstein, requests a change of zone from B-2-D to M-2.

Location: Just West of the Olive Garden on Coliseum Blvd.

Legal: See file

Land Area: Approximately 0.64 acres

Zoning: Currently zoned M-2 and B-2-D

Surroundings:	North	M-3	Commercial
	South	B-2-D	Glenbrook Commons
	East	B-2-D	Glenbrook Mall
	West	M-2	Commercial

Reason for Request: Redevelopment of the combined site.

Neighborhood Assoc.: No neighborhood association, but the petitioner was required to send notice to property owners in Glenbrook Mall.

Neighborhood Plan: No comment.

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and proposed land uses and should not establish an undesirable precedent in the area to be developed.

This property is located in the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Landscape: Consider rezoning the complete site to be more compatible with business uses surrounding the site. This site is not appropriately used for M-2 activities. Also, M-2 zoning is exempt from shade tree, green space and paving requirements in parking lot development.

Planning Staff Discussion:

This parcel of ground was previously owned by the railroad, and is located just west of the Glenbrook Mall development. It is immediately west of the Olive Garden site. When Glenbrook was rezoned, the boundary ran down the center of the railroad parcel. Since that time the railroad has abandoned this site and has sold

off the property that they owned. (Portions of the railroad property to the south were purchased by the developers of Glenbrook.)

The new owner has purchased the former Schueler's TV and Appliance location and the remaining portion of the railroad parcel, located immediately east. Mr. Klopenstein plans on tearing down the existing building and constructing a new structure on the combined site. This new combined parcel is subject to two different set of standards for development. The portion of the site that is zoned B-2-D is subject to the development plan procedure and controls, with the remainder of the site to be reviewed through the commercial routing procedure. Site modifications and constraints are more restrictive in the B-2 designations than in the industrial classifications. (For example... there is an existing "billboard" located on the petitioned parcel. It would be expected that development of the parcel currently zoned B-2 would be contingent upon the removal of that sign. That would not necessarily be true if development occurred under the M-2 classification.)

This parcel was never intended to be developed as part of a planned shopping center. Based on the existing development plan, it would be unfeasible, and a serious safety concern, to attempt to include this parcel in the shopping center. Glenbrook Mall and Commons area has already been developed in a manner that excludes this site. The eastern portion of this petitioned parcel abuts the Olive Garden. Any interconnection would have to be through an existing parking lot which is currently served by an, at best, awkward access situation. The south property line abuts a designated parking and service dock area located to the rear of the Glenbrook Commons development.

Instead, this parcel has access to the west through an apparent ingress/egress easement that serves a number of existing businesses. This "access road" serves existing fast food restaurants, a bank, and apparently ends at the west property line of the petitioners property. This "access road" has a driveway located off of Coliseum Blvd. in an area that has, and is proposed to have, a median crossing.

It seems clear that the rezoning of this parcel to the requested M-2 designation would solidify the development potential of the site. While we would suggest that the M-2 designation is actually too intense of a classification for the uses currently located in the area, rezoning the portional parcel would allow development under the same standards as the other businesses served by this access road. Approval would allow re-development of the combined site in an expeditious manner, and would provide for uniform development constraints with other properties to the west.

Recommendation: Do Pass for the following reasons:

1) Approval would be consistent with the classifications located to

the west.

2) Approval would allow for a consistency of development constraints with the other properties served by this "access road".

3) Approval would place the entire development parcel under one zoning designation, eliminating possible conflicts.

4) The property would probably not be successfully developed under the B-2 designation due to existing improvement of the shopping center property.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 14th day of December, 19 93, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 16th day of December, 19 93.

Sandra E. Kennedy
City Clerk